

ORDINANCE NO. 2007 -030

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR COUNTY INITIATED AMENDMENTS TO CHANGE THE FUTURE LAND USE DESIGNATION (FLU) AS FOLLOWS: **PBIA BUYOUT AREA (LGA 2007-045) COUNTY INITIATED AMENDMENT:** MODIFYING PAGE 64 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION AS FOLLOWS APPROXIMATELY 27.49 ACRES FROM LOW RESIDENTIAL, 3 UNITS PER ACRE (LR-3) TO TRANSPORTATION AND UTILITIES FACILITIES (UT), IN PART; APPROXIMATELY 54.60 ACRES FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) TO UT, IN PART; APPROXIMATELY 3.66 ACRES FROM COMMERCIAL HIGH, WITH AN UNDERLYING INDUSTRIAL (CH/IND) TO UT, IN PART; APPROXIMATELY 2.90 ACRES FROM LR-3 TO UT, WITH AN UNDERLYING LR-3 (UT/3), IN PART; APPROXIMATELY 3.36 FROM MR-5 TO UT, WITH AN UNDERLYING MR-5 (UT/5), IN PART; GENERALLY BOUNDED BY THE LWDD CANAL 4 TO THE NORTH; PARTIALLY BY SOUTHERN BOULEVARD OR A RETAIL SHOPPING CENTER TO THE SOUTH; PARTIALLY BY MILITARY TRAIL OR PALM BEACH INTERNATIONAL AIRPORT TO THE EAST; AND HAVERHILL ROAD TO THE WEST; **CYPRESS CREEK NATURAL AREA ADDITIONS (LGA 2007-00043) COUNTY INITIATED AMENDMENT:** MODIFYING PAGE 6 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR SEVEN PARCELS TOTTALLING 7 ACRES, FROM RURAL RESIDENTIAL, 1 UNIT PER 10 ACRES (RR-10) TO CONSERVATION (CON); PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 8, June 22 and July 13, 2007 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as

1 the governing body of Palm Beach County, conducted a public hearing
2 pursuant to Chapter 163, Part II, Florida Statutes, on July 23, 2007 to
3 review the recommendations of the Local Planning Agency, whereupon the
4 Board of County Commissioners authorized transmittal of proposed
5 amendments to the Department of Community Affairs for review and
6 comment pursuant to Chapter 163, Part II, Florida Statutes; and

7 **WHEREAS**, Palm Beach County received the Department of Community
8 Affairs "Objections, Recommendations, and Comments Report," dated
9 October 5, 2007 which was the Department's written review of the
10 proposed Comprehensive Plan amendments; and

11 **WHEREAS**, the written comments submitted by the Department of
12 Community Affairs contained no objections to the amendments contained
13 in this ordinance;

14 **WHEREAS**, on November 26, 2007 the Palm Beach County Board of
15 County Commissioners held a public hearing to review the written
16 comments submitted by the Department of Community Affairs and to
17 consider adoption of the amendments; and

18 **WHEREAS**, the Palm Beach County Board of County Commissioners has
19 determined that the amendments comply with all requirements of the
20 Local Government Comprehensive Planning and Land Development
21 Regulation Act.

22 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
23 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

24 **Part I. Amendments to the Future Land Use Atlas of the Land Use**
25 **Element of the 1989 Comprehensive Plan**

26 The following amendments to the Land Use Element's Future Land
27 Use Atlas are hereby adopted and attached to this Ordinance as
28 Exhibits 1 and 2:

29 **1. Future Land Use Atlas page 64 is amended as follows:**

30 **Application No.: PBIA Buyout Area (LGA 2007-045)**

31 **Amendment A:** Approximately 27.49 acres from Low
32 Residential, 3 units per acre (LR-3) to
33 Transportation and Utilities Facilities
34 (UT), in Part;

35 **Amendment B:** Approximately 54.60 acres from Medium

Residential, 5 units per acre (MR-5) to UT,
in part;

Amendment C: Approximately 3.66 acres from Commercial
High, with an underlying Industrial
(CH/IND) to UT, in part;

Amendment D: Approximately 2.90 acres from LR-3 to UT,
with an underlying LR-3 (UT/3), in part;

Amendment E: Approximately 3.36 from MR-5 to UT, with an
underlying MR-5 (UT/5), in part; and

General Location: Generally bounded by the LWDD Canal 4 to
the north; partially by Southern Boulevard
or a retail shopping center to the south;
partially by Military Trail or Palm Beach
International Airport to the east; and
Haverhill Road to the west;

2. **Future Land Use Atlas page 6** is amended as follows:

Application No.: **Cypress Creek Natural Area Additions (LGA
2007-00043)**

Amendment: From Rural Residential, 1 unit per 10 acres
(RR-10) to Conservation (CON);

General Location: North side of Indiantown Road, 2.5 miles west of
Turnpike/I-95;

Size: 7 acres (7 parcels);

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area
of Palm Beach County in conflict with any provision of this ordinance
are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of
this Ordinance is for any reason held by the Court to be
unconstitutional, inoperative or void, such holding shall not affect
the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part
of the 1989 Palm Beach County Comprehensive Plan. The Sections of the

Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 26th day of November, 2007.

ATTEST:
SHARON R. BOCK, CLERK

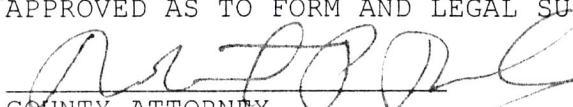
PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By:  Deputy Clerk

By: 

Addie L. Greene, Chairperson

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


COUNTY ATTORNEY

Filed with the Department of State on the 4th day
of December, 2007.

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A. Future Land Use Atlas page 64 is amended as follows:

A. Future Land Use Atlas page 64 is amended as follows:

Amendment No.: PBI Buyout Area (LGA 2007-045a)

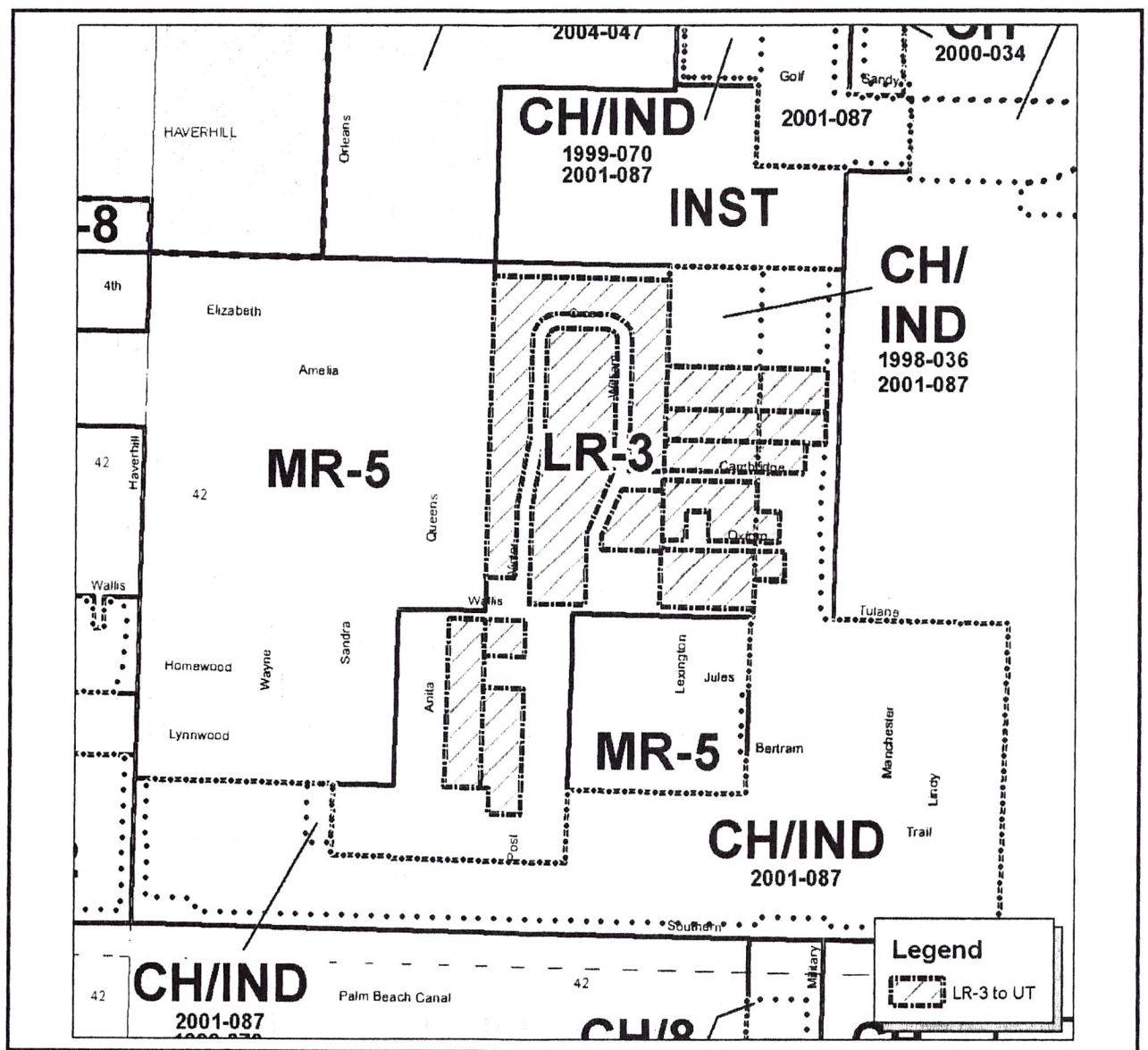
FLUA Page No.: 64

Amendment*: From Low Residential, 3 units per acre (LR-3) to Transportation and Utilities Facilities (UT)

Location: West side of N Military Trail, North and South sides of Wallis Rd

Size: 27.49 acres (4 PCNs)

Property No.: 00424336000007120, 00424336010000010, 00424336080000010,
00424336150000010



(*Note: some parcels depicted have multiple FLUs but the change depicted on the map prevails.)

B. Future Land Use Atlas page 64 is amended as follows:

Amendment No.: PBA Buyout Area (LGA 2007-045b)

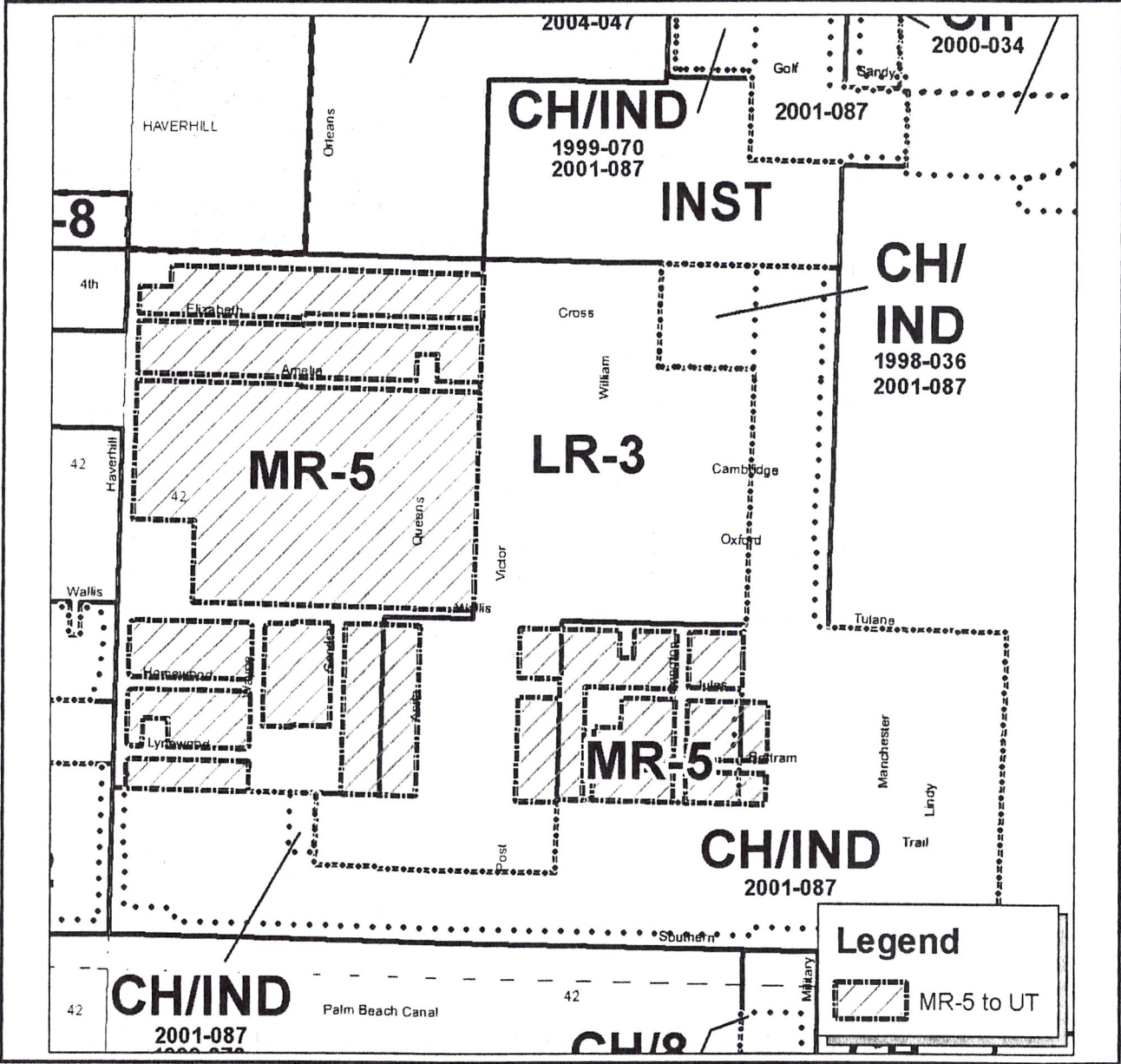
FLUA Page No.: 64

Amendment: From Medium Residential, 5 units per acre (MR-5) to Transportation and Utilities Facilities (UT)

Location: East side of N Haverhill Rd, North and South sides of Wallis Rd

Size: 54.60 acres (4 PCNs)

Property No.: 00424336000007120, 00424336010000010, 00424336080000010, 00424336150000010



(*Note: some parcels depicted have multiple FLUs but the change depicted on the map prevails.)

C. Future Land Use Atlas page 64 is amended as follows:

Amendment No.: PBI Buyout Area (LGA 2007-045c)

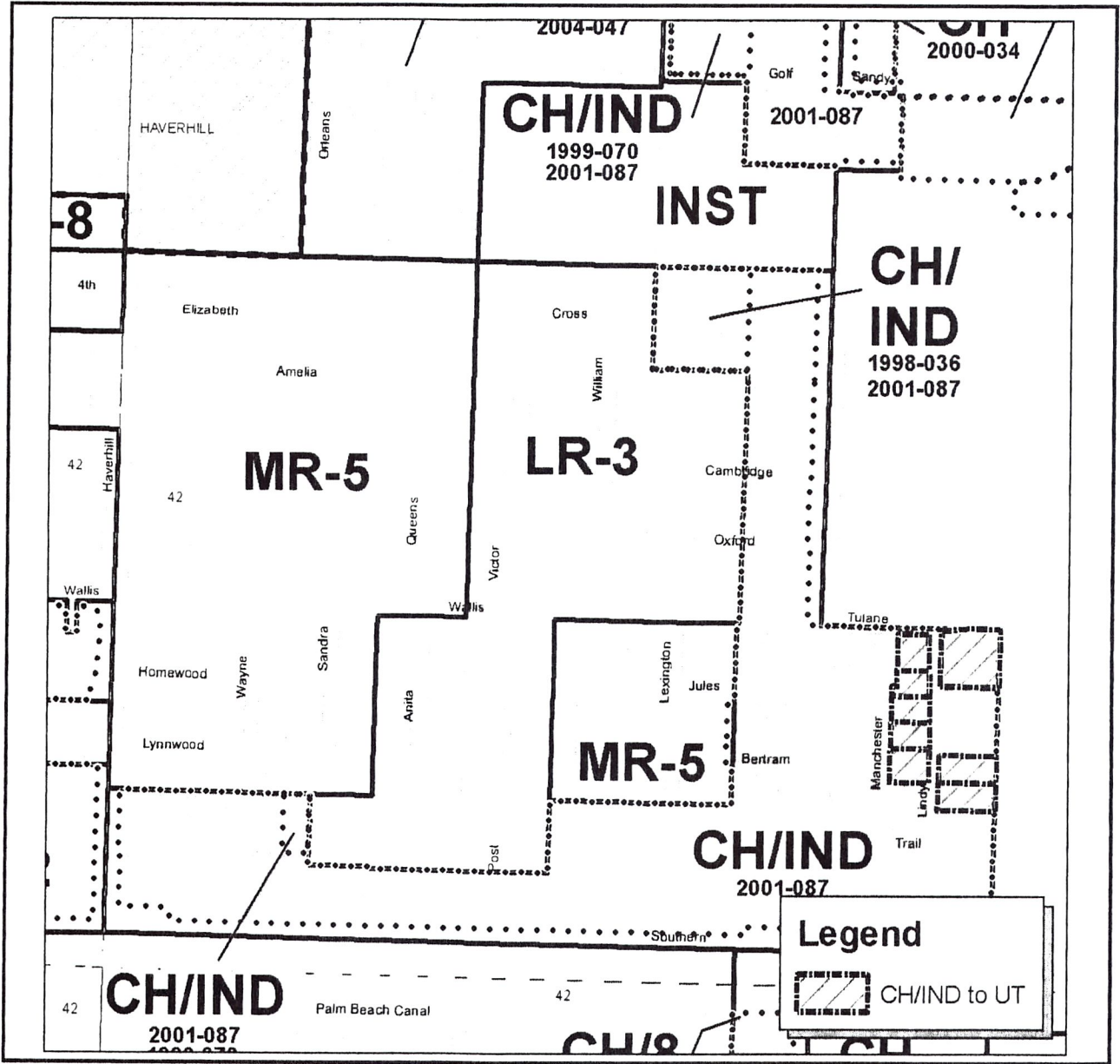
FLUA Page No.: 64

Amendment: From Commercial High, with an underlying Industrial (CH/IND) to Transportation and Utilities Facilities (UT)

Location: East and West sides of Lindy Ln

Size: 3.66 acres (8 PCNs)

Property No.: 00424336130000580, 00424336130000600, 00424336130000671,
00424336130000681, 00424336130000685, 00424336130000687,
00424336130000688, 00424336130000689



D. Future Land Use Atlas page 64 is amended as follows:

Amendment No.: PBIA Buyout Area (LGA 2007-045d)

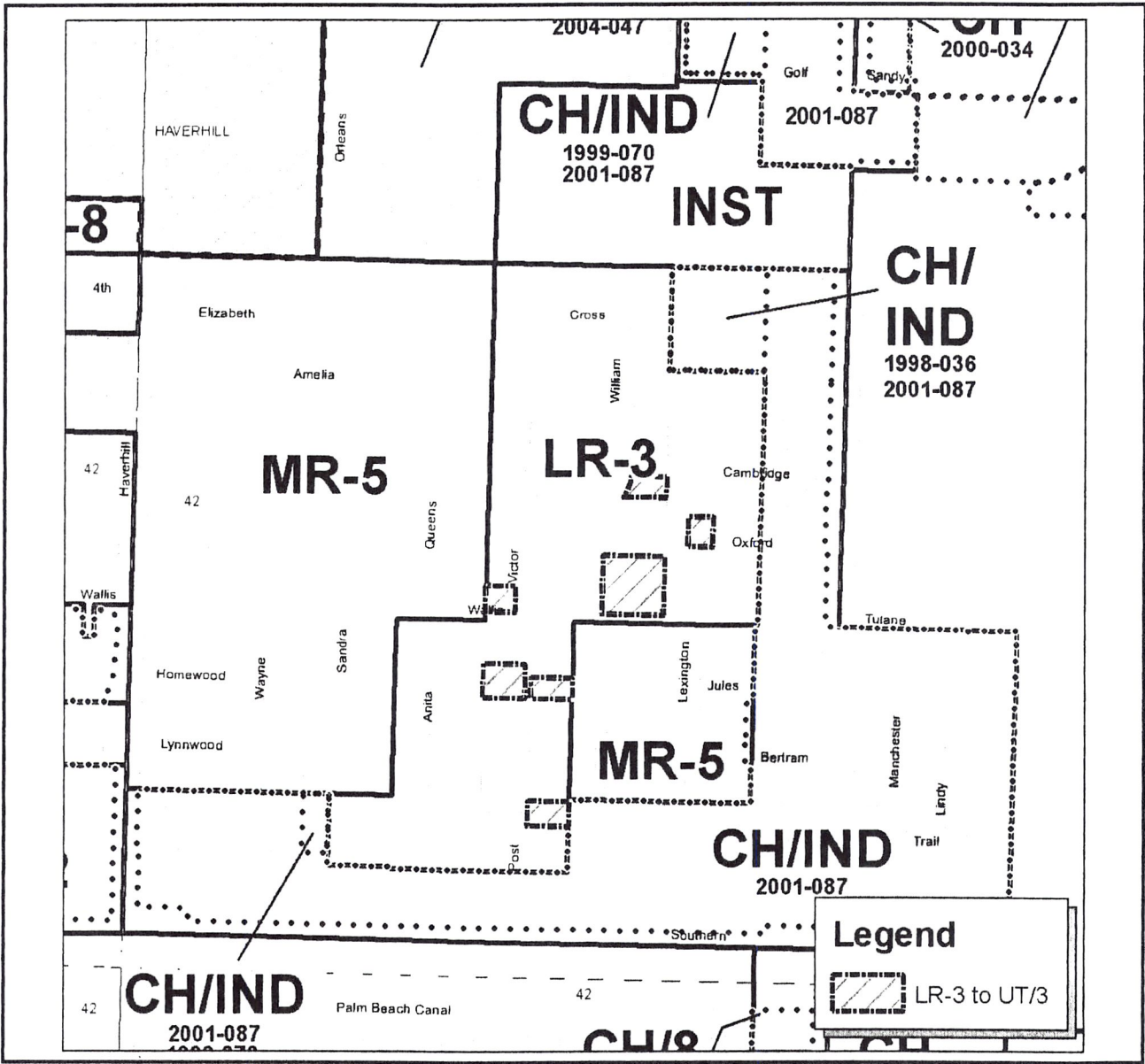
FLUA Page No.: 64

Amendment: From Low Residential, 3 units per acre (LR-3) to Transportation and Utilities Facilities, with an underlying 3 units per acre (UT/3)

Location: West of N Military Trl, North and South sides of Wallis Rd

Size: 2.90 acres (7 PCNs)

Property No.: 00424336000007240, 00424336000007270, 00424336000007790,
00424336120000200, 00424336170000010, 00424336170000210,
00424336170000480



E. Future Land Use Atlas page 64 is amended as follows:

Amendment No.: PBI Buyout Area (LGA 2007-045e)

FLUA Page No.: 64

Amendment: From MR-5 to UT, with an underlying 5 units per acre to Transportation and Utilities Facilities with an underlying 5 units per acre (UT/5),

Location: South of Wallis Rd, East of N Haverhill Rd

Size: 3.36 acres (11 PCNs)

Property No.:

00424336000007160, 00424336000007550, 00424336000007570,
00424336090000020, 00424336090000110, 00424336150000112,
00424336160000100, 00424336160000110, 00424336160000120,
00424336160000211, 00424336160000230

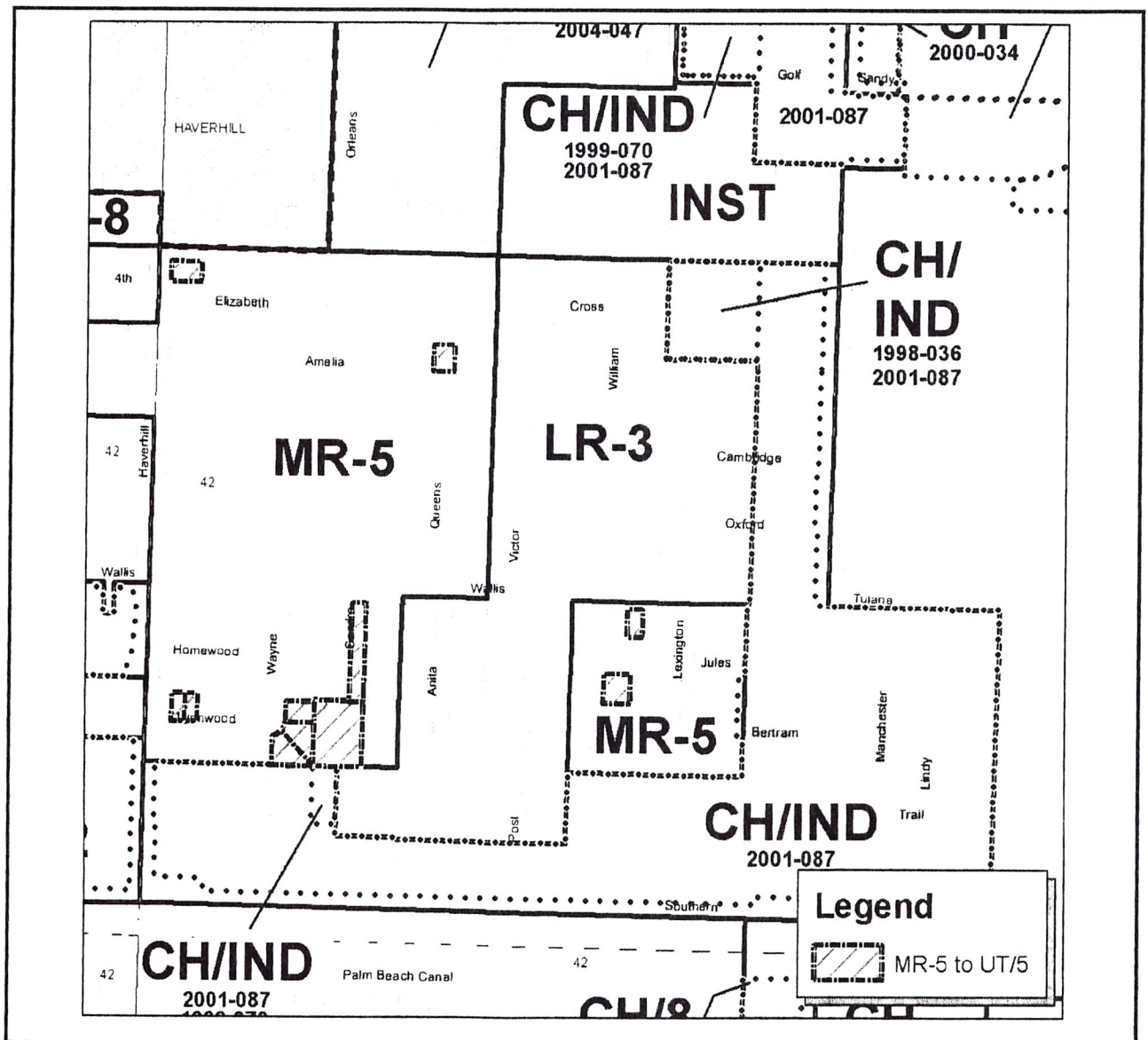
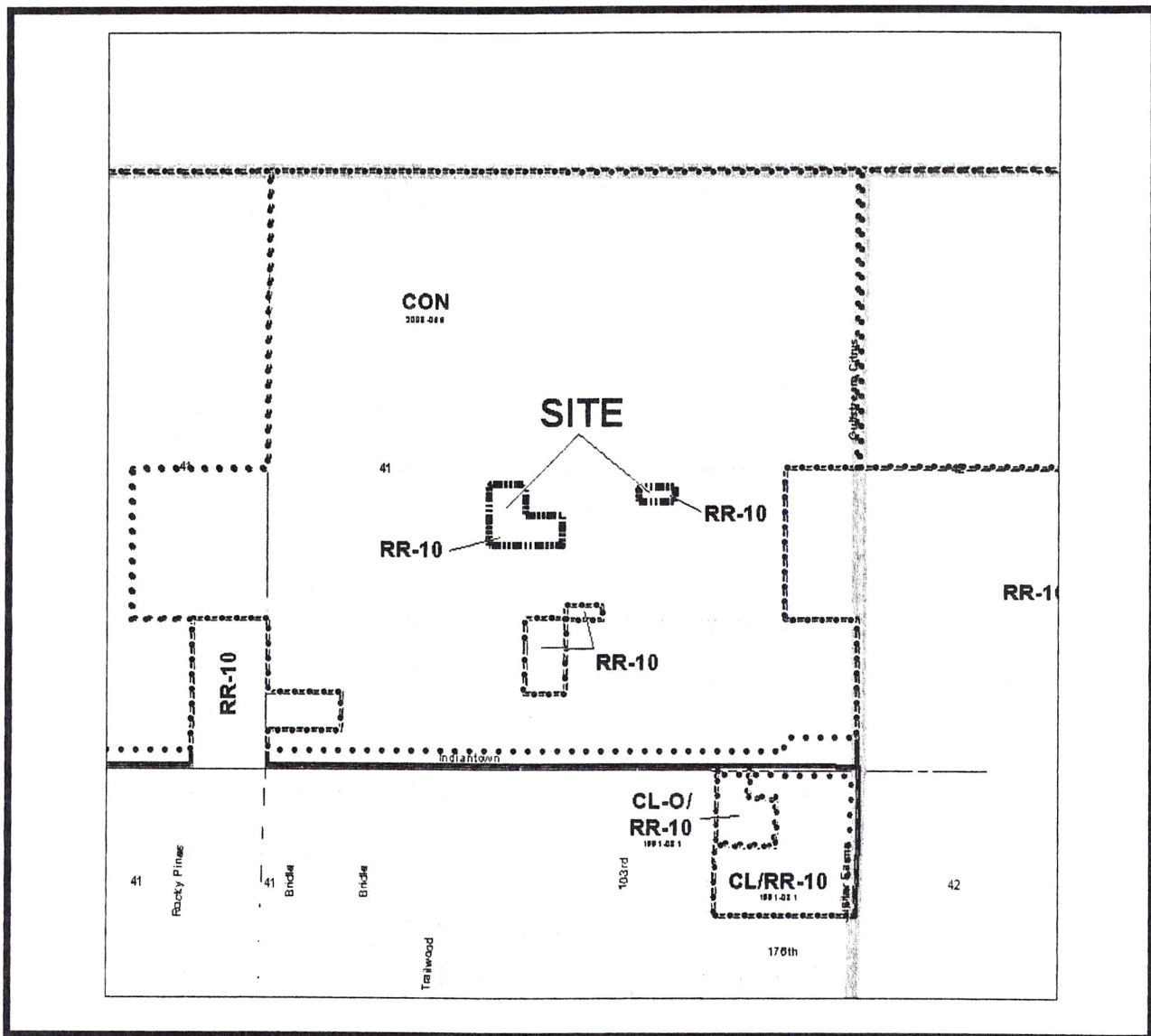


Exhibit 2

Amendment No.: Cypress Creek Natural Area Addition
FLUA Page No.: 6
Amendment: From Rural Residential, 1 unit per 10 acres (RR-10), to Conservation (CON)
Location: North side of Indiantown Road, 2.5 miles West of Turnpike/I-95
Size: 7 acres
Property No.: 00-41-40-36-01-012-0020; 00-41-40-36-01-012-0030;
00-41-40-36-01-012-0040; 00-41-40-36-01-012-0050;
00-41-40-36-01-012-0140; 00-41-40-36-01-012-0150; and
00-41-40-36-01-014-0020
Conditions: None



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on November 24, 2007
dated at West Palm Beach, FL on 12/11/07
By: Nicole Brown
Deputy Clerk
COUNTY OF PALM BEACH
FLORIDA
CLERK AND COMPTROLLER